

[CONFIDENTIAL.]

(Rough Draft for Consideration Only.)

No. , 1921.

A BILL

To amend the Birds and Animals Protection Act, 1918, in certain respects.

BE it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows :—

1. This Act may be cited as the "Birds and Animals Protection (Amendment) Act, 1921," and shall be construed with the Birds and Animals Protection Act, 1918 (hereinafter called the Principal Act).

2.

- 2.** Section seven of the Principal Act is amended— Amendment of s. 7 of Principal Act.
- (a) by omitting the words “or animals” in subsection one;
 - (b) by omitting the words “or animal” wherever occurring in subsection two; and
 - (c) by adding the following new subsection:—
(3) The Governor may, by proclamation, direct that the provisions of this section shall apply to protected animals, and upon the publication of such proclamation such provisions shall apply accordingly.

- 3.** Section eight of the Principal Act is amended— Amendment of s. 8 of the Principal Act.
- (a) by omitting the second paragraph of subsection one and substituting therefor the following:—

The provisions of this section shall apply, whether such bird or animal was killed, taken, or bought in or received from any State or territory of the Commonwealth, or the Dominion of New Zealand:

Provided that the Minister may by license, under conditions therein specified, permit the importation of any such bird or animal, or any part of such bird or animal:

Provided, also, that the Governor may by proclamation exempt, under conditions specified in such proclamation, any bird or animal, or any part of such bird or animal, from such provisions; and

- (b) by adding the following new subsection:—
(3) Any such bird or animal, or any part of such bird or animal shall, upon the conviction of any person under this section for an offence in relation thereto, be liable to forfeiture, and shall be disposed of in such manner as the court may direct.

- 4.** Section seventeen of the Principal Act is repealed, and the following new section is substituted therefor:— New sec. substituted for s. 17 of Principal Act.

17. (1) For the purposes of this Act all protected birds and animals, until taken or killed in accordance with the provisions of this Act, shall be deemed to be the property of the Crown: Protected birds and animals until taken to be the property of the Crown.

Provided

Provided that nothing in this Act shall prevent any protected bird or animal from being kept in confinement, or as a domestic pet, by any person who has obtained permission in writing to do so from any member of the police force or honorary ranger. If any person fails to obtain such permission he may apply to the Minister, who may then determine the matter. Any person who has obtained such permission shall become the owner of such bird or animal, and may dispose of it as he thinks fit:

Provided also that no such permission shall be necessary in the case of any bird or animal which has been taken during an open season or in pursuance of a license.

5. The Principal Act is further amended by inserting after section twenty-four the following new section:—

24A. Where any person has been convicted of an offence under section twenty-one or twenty-four, any protected bird or animal, or any part of such bird or animal, found in the possession or under the control of such person, shall be liable to forfeiture, and shall be disposed of in such manner as the court may direct.

New sec. added after s. 24.

Forfeiture of protected bird or animal in possession of person convicted under s. 21 or 24.

6. The Third Schedule of the Principal Act is amended by omitting the words "by the eastern boundary of the parish of St. Luke" and substituting therefor the words "by the western boundary of the parish of St. Luke."

Amendment of Third Schedule.